

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
CHRISTEL VAN DYKE ) FOIA Control No. 2014-130  
 )  
On Request for Inspection of Records )

**MEMORANDUM OPINION AND ORDER**

**Adopted: May 19, 2014**

**Released: May 20, 2014**

By the Commission:

1. By this Memorandum Opinion and Order, we deny an application for review filed by Christel Van Dyke.<sup>1</sup> Ms. Van Dyke requests review of a Freedom of Information Act (FOIA) decision by the Consumer Policy Division (CPD) of the Commission's Consumer and Governmental Affairs Bureau (CGB).<sup>2</sup>

2. On January 2, 2014, Ms. Van Dyke filed a FOIA request seeking "all information related to [her cellular phone number]<sup>3</sup> including but not limited to: records reflecting repairs, maintenance, eavesdropping (and information revealing any person or entity who is or has ever eavesdropped on this line); as well as complaint history regarding this phone line, and any and all information related to misuse, if any, of this phone number."<sup>4</sup> The *FOIA Request* was assigned to the four Bureaus likely to have responsive records – Consumer and Governmental Affairs, Enforcement (EB), Wireline Telecommunications (WTB), and the Public Safety and Homeland Security (PSHSB) Bureaus (collectively, the bureaus).<sup>5</sup> CGB conducted a search of the databases that contain the records of informal complaints filed by or on behalf of consumers. Eight documents responsive to Ms. Van Dyke's request were located and provided to her.<sup>6</sup> The other bureaus found no responsive documents.<sup>7</sup> In her *AFR*, Ms. Van Dyke complains that the *FOIA Decision* only provided her with "the call n [sic] complaints," although she was seeking "information on who is . . . eavesdropping, tampering, intercepting," or similarly "misusing" her phone number.<sup>8</sup>

3. We are satisfied that the documents provided to Ms. Van Dyke represent all of the records responsive to her *FOIA Request*. The Bureaus conducted diligent searches for relevant records related to Ms. Van Dyke's cellular phone number pursuant to her *FOIA Request*. Specifically, CGB searched the databases in which it maintains the records of informal complaints filed by or on behalf of consumers, and provided Ms. Van Dyke with the eight documents that it found responsive to her *FOIA Request*. EB, PSHB, and WTB were also contacted as part of the search for responsive records, but

<sup>1</sup> See letter from Christel Van Dyke to Nancy Stevenson (dated: Feb. 26, 2014; filed Mar. 5, 2014) (*AFR*).

<sup>2</sup> See letter from Nancy Stevenson, Deputy Chief, CPD, CGB, FCC, to Ms. Van Dyke (Jan. 30, 2014) (*FOIA Decision*).

<sup>3</sup> Ms. Van Dyke's FOIA request included her cell phone number but we do not use it in our public decision. See 5 U.S.C. § 552(a)(2); 47 C.F.R. § 0.445(g).

<sup>4</sup> See letter from Ms. Van Dyke to the FCC (dated Dec. 31, 2013) (*FOIA Request*).

<sup>5</sup> *FOIA Decision* at 1.

<sup>6</sup> *Id.* at 1.

<sup>7</sup> *Id.*

<sup>8</sup> *AFR* at 1 (stating that she "would like to know what source is or was involved" with the tampering).

located nothing. We find that the searches were “reasonably calculated to uncover all relevant documents,”<sup>9</sup> and thus were adequate to satisfy the agency’s obligation under the FOIA.

4. By disclosing the eight existing responsive records, the Commission has complied with its obligations under the FOIA. The FOIA does not require agencies to answer questions, as opposed to providing records.<sup>10</sup> In her *AFR*, Ms. Van Dyke speculates that someone or something is eavesdropping, tampering, intercepting, or similarly “misusing” her cell phone and requests that the Commission reveal who is doing so. The FOIA is not the proper mechanism for addressing Ms. Van Dyke’s speculations regarding the misuse of her cell phone number. We therefore deny Ms. Van Dyke’s application for review.

5. ACCORDINGLY, IT IS ORDERED, that the Application for Review filed by Christel Van Dyke IS DENIED. Ms. Van Dyke may seek judicial review of this action pursuant to 5 U.S.C. § 552(a)(4)(B).<sup>11</sup>

6. The following officials are responsible for this action: Chairman Wheeler, Commissioners Clyburn, Rosenworcel, Pai, and O’Rielly.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

<sup>9</sup> *Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983); *Campbell v. U.S. Dep’t of Justice*, 164 F.3d 20, 27 (D.C. Cir. 1998) (noting that an agency must search “using methods which can be reasonably expected to produce the information requested”) (quoting *Oglesby v. U.S. Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)).

<sup>10</sup> See *Prof Bill Neill*, 18 FCC Rcd 224643, 24644 ¶5 and n.8 (citing *DiViao v. Kelley*, 571 F.2d 538, 542 (10<sup>th</sup> Cir. 1978)); *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985), *aff’d*, 808 F.2d 137 (D.C. Cir. 1987), *cert. denied*, 484 U.S. 803 (1987); and *NLRB v. Sears Roebuck & Co.*, 421 U.S. 132, 161-62 (1975); *Solomon Oden Battle*, 23 FCC Rcd 6091, 6094 (2008).

<sup>11</sup> We note that as part of the Open Government Act of 2007, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect Ms. Van Dyke’s right to pursue litigation. Ms. Van Dyke may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 301-837-1996  
Facsimile: 301-837-0348  
Toll-free: 1-877-684-6448